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20350 7590 05/06/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER GISHENOCK, NIKOLAI A				
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3714				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/781,554

**Applicant(s)**

WOOD ET AL.

**Examiner**

Nikolai A. Gishnock

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-20 and 22-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20 and 22-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

In response to Applicant's reply, filed 1/25/2008, claims 7 & 21 are cancelled. Claims 1-6, 8-20, & 22-40 are pending.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 2, 4, 5, 8, 9, 10, 12-18, 24-26, 32-34, & 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan (US 5,8797,324), hereinafter known as Tan, in view of Simone (US 4,997,374), hereinafter known as Simone, and further in view of McCormack et al. (US 5,139,423 A), hereinafter known as McCormack. Tan teaches a print media apparatus comprising: a first coupling element (Figure 2, Item 100), a plurality of electrical elements (Figure 5A, Item 180); processor coupled to the plurality of electrical elements (Figure 4, Item 130, micro computer); and a book, comprising a spine having a second coupling element

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(Figure 5A), wherein the book and platform are removably coupled through the first and second coupling elements (Figure 2, Items 100 & 105, also, 3:48-58, also in 4:58-64) [Claims 1, 24, & 25]. What Tan fails to teach is a platform including a surface with a first coupling coupled to a book [Claims 1, 24, & 25]. However, Simone teaches a console unit having a base (Figure 2, Item 20), having a work booklet mounted thereon (Figure 2, Item 42; also, 3:51-57). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the first coupling element of Tan onto the surface of the housing of Simone, in order to removably electronically connect the book with the second coupling of Tan to the platform, and also to have placed the plurality of electrical elements of Tan in the surface of Simone, in order to reduce the manufacturing costs of the books [Claims 1, 24, & 25].

4. Tan also teaches selecting a page identifier on a displayed page of the book to identify the displayed page of the book to the user (as the user turns to a page, a page number is transmitted to an interfacing adapter, 4:31-36) [Claim 16]. Tan further teaches separating the book from a platform, and removably coupling a second book to a platform (a user can flexibly insert different multimedia books into the adapter, 4:58-64; it is inherent that the user would first have to separate the first book from the platform before coupling the second book to the same platform) [Claim 18]. What Tan and Simone fail to teach is wherein the book comprises a mode selection print element, and wherein selecting the mode selection print element one time causes the apparatus to be in a first mode, selecting the mode selection print element a second time causes the apparatus to be in a second mode, and selecting the mode selection print element a third time causes the apparatus to be in a third mode [Claims 1, 10, 15, & 19]. However, McCormack teaches an electronic teaching device having speech synthesis audio output produced through a speaker (3:18-48) McCormack teaches where the electronic device asks the user, "What number is this?", and after the user has entered his or her answer, the device

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repeats the number which has been entered (4:28-47). McCormack further teaches a plurality of print elements under the surface of a platform (Figure 1, element items 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 62, 64, 66, 68, 69a, 69b, & 69c; surface, item 20).

McCormack further teaches Level key print element, where the level of difficulty can be toggled by repeatedly pressing the level key (4:10-27; Figure 1, Item 69a), and a Trade activity having three levels of challenge (5:5-6:17). The level selection print element of McCormack would be used in the print media apparatus of Tan and Simone to toggle between three levels of challenge of an activity. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected the print element of the print media device of Tan, in view of the teachings of Simone, a differing number of times to activate the different device modes, as taught by McCormack, in order to automatically select a difficulty of an activity, for the purpose of continually challenging the user without causing frustration [Claims 1, 10 & 15].

5. What Tan and Simone further fail to teach is wherein the first mode is designed for a first age range, and second mode is designed for a second age range, and the third mode is designed for a third age range [Claims 13 & 17]. However, McCormack teaches having three levels of challenge in an activity (5:5-6:17). The three levels of challenge of McCormack would be used in the print media apparatus of Tan and Simone to provide varying levels of challenge to be selected by a user as seen fit. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to design the first through third modes by age range, as taught by McCormack, in the print media apparatus of Tan, in view of the teachings of Simone, in order to prevent a child with a lower level of intelligence, in a younger age group, from becoming frustrated, and to prevent a child having a higher level of intelligence, in an older age group, from becoming bored [Claims 13 & 17].

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6. What Tan and Simone further fail to teach is wherein the first mode plays music when a print element in the book is selected, the second mode plays descriptive phrases when the print element in the book is selected, and the third mode plays rhymes when the print element in the book is selected [Claims 8 & 14]. However, Applicant has not disclosed that having the three modes play music, descriptive phrases, and rhymes, respectively, solves any stated problem or is for any particular purpose. Moreover, it appears that the first, second, and third selection modes of McCormack or the Applicant's instant invention would perform equally well for playing music, descriptive phrases, and rhymes, respectively. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the print media apparatus of Tan, in view of Simone, with the first, second, and third selection modes of McCormack, such that the first mode plays music, the second, descriptive phrases, and the third, rhymes, respectively, because such a modification would have been considered a mere design consideration, which fails to patentably distinguish over Tan, Simone, and McCormack [Claims 8 & 14].

7. Tan teaches a print media apparatus of claim 1 further comprising: (e) a speaker coupled to the processor (Figure 4, Item 138) [Claim 2].

8. Tan teaches wherein the plurality of electrical elements under the surface of the platform comprises a plurality of pressure switches (push-buttons, 4:5-11). What Tan fails to explicitly teach is where the pressure switches are located under the surface of the platform [Claim 4]. However, Simone teaches a plurality of pressure switches under the surface of the platform (depressible buttons in the housing, 6:11-42; also, Figure 2, Item 56). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have placed the plurality of electrical elements of Tan in the surface of Simone, in order to reduce the manufacturing costs of the books [Claim 4].

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9. Tan fails to explicitly teach that the book is for children [Claim 5]. However, Simone teaches wherein the book is a children's book (teaching device for aiding children in word recognition skills, 3:10-13; console comprises a work booklet, 3:51-57; the booklet is understood to be a small book). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have made the book taught by Tan a children's book, as taught by Simone, in order to aid children in the development of their word recognition skills [Claims 5 & 26].

10. Tan teaches a print media apparatus, as demonstrated above. What Tan fails to teach is wherein the apparatus further comprises a handle coupled to the platform [Claims 9 & 12]. However, Simone teaches a print media apparatus comprising a platform (base), having a carrying handle (4:53-61, also, Figure 2, Item 38). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included a platform with a handle, as taught by Simone, in the print media apparatus of Tan, in order to facilitate carrying the print media apparatus [Claims 9 & 12].

11. Tan teaches a first region proximate (close to) the spine of the book (input areas, such as the uppermost "IN" region in Figure 5A, Item 120, are located close to the spine of the book); and a second region of the surface distal to (away from) the spine of the book (output areas, such as the lowermost "OUT" region in Figure 5A, Item 124, are located further away from the spine of the book than the topmost "IN" region), wherein the first region is more sensitive to user interaction than the second region (the input areas are switches, and the output areas emit light, 5:52-67; it is inherent that the input area switches are more sensitive to user interaction than the output areas, because the inputs are interactive, while the outputs are passive) (see Figure A below) [Claim 24].

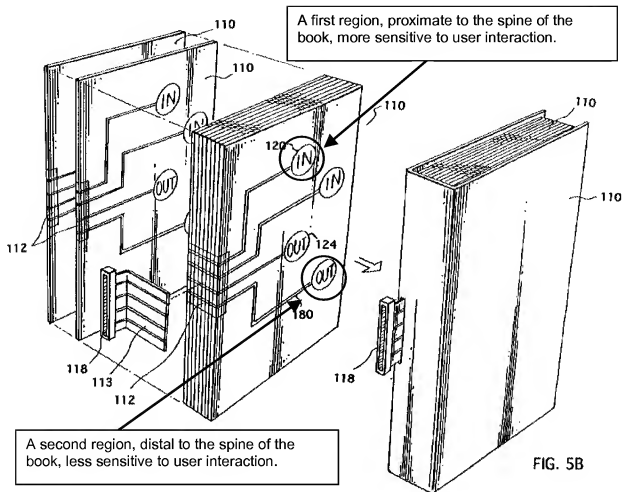


Figure A.

12. What Tan and Simone further fail to explicitly teach is where the mode selection print element is a single icon [Claims 32-34]. However, McCormack teaches a Level key for toggling the level of difficulty (4:10-27). It is understood that the one Level key is a single icon. The Level key would be used in the print media apparatus of Tan and Simone, for adjusting the level of difficulty in an electronic children's game. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected the print element of the print media device of Tan, in view of the teachings of Simone, a differing number of times to



activate the different device modes, as taught by McCormack, in order to automatically select a difficulty of an activity, for the purpose of continually challenging the user without causing frustration [Claims 32-34].

13. What Tan and Simone further fail to teach is wherein selecting the mode selection element a fourth time causes the apparatus to be in a first mode [Claims 36-38]. However, McCormack teaches a Level key for toggling the level of difficulty (4:10-27). It is understood that the one Level key is a single icon. McCormack further teaches Level key print element, where the level of difficulty can be toggled by repeatedly pressing the level key (4:10-27; Figure 1, Item 69a), and a Trade activity having three levels of challenge (5:5-6:17). The level selection print element of McCormack would be used in the print media apparatus of Tan and Simone to toggle between three levels of challenge of an activity. It is further obvious in view of McCormack that, in the event of continued toggling of levels of difficulty by pressing the Level key, being that there are only three modes, a first mode of difficulty would be returned to after the third mode is deselected, because the level variable in the electronic device must logically have a defined state by design. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected the print element of the print media device of Tan, in view of the teachings of Simone, a differing number of times to activate the different device modes, wherein selecting the mode selection element a fourth time causes the apparatus to be in a first mode, as taught by McCormack, in order to automatically select a difficulty of an activity, for the purpose of designating a logical state of the level as one of the three modes, because an undefined state should not exist [Claims 36-38].

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14. Claims 3, 19, 20, 35, & 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, in view of Simone and McCormack, as applied to claim 1 above, and further in view of Nakamura et al. (US 7,154,452 B2), hereinafter known as Nakamura.

15. Tan, Simone, and McCormack teach all the features as demonstrated above in the rejection of claim 1 above, including a book having a coupling element on the spine, and a platform having a coupling on a surface for detachably coupling a book to the platform [Claims 3 & 19], and wherein the book includes a children's book [Claim 20]. Tan is understood to be a kit, composed of the interrelated parts of a book comprising a spine (Figure 5B) and a plurality of pages comprising print elements (Figures 5A, & 5B, Items 110), and a removable memory device (memory card, such as PCMCIA card, 4:64-5:6) comprising code for sounds associated with the print elements (specific segments of memory contain audio messages, 4:31-36), which are assembled by a user (4:15-5:16) [Claim 19]. What Tan and Simone fail to teach is wherein the spine includes two second coupling elements at opposite ends of the spine, and wherein the platform includes two first coupling elements at opposite edges of the surface, wherein the book and the platform are detachably coupled together through corresponding first and second coupling elements [Claims 3, 19, & 20]. However, Nakamura teaches a first and second coupling for attaching the spine of an electronic book to a platform, where the first and second coupling elements are located at opposite edges of the spine (12:17-13:8; also, Figure 17, Items 24 {platform}, 54 {spine}, and 56 {couplings}). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the two couplings at opposite ends of the spine of the book, as taught by Nakamura, with the book of Tan, and the platform of Simone, in light of the teachings of McCormack, in order to detect the turning of the book pages via the rotation of the coupling [Claims 3, 19, & 20].

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16. What Tan and Simone further fail to explicitly teach is where the mode selection print element is a single icon [Claim 35]. However, McCormack teaches a Level key for toggling the level of difficulty (4:10-27). It is understood that the one Level key is a single icon. The Level key would be used in the print media apparatus of Tan and Simone, for adjusting the level of difficulty in an electronic children's game. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected the print element of the print media device of Tan, in view of the teachings of Simone, a differing number of times to activate the different device modes, as taught by McCormack, in light of the teachings of Nakamura, in order to automatically select a difficulty of an activity, for the purpose of continually challenging the user without causing frustration [Claim 35].

17. What Tan and Simone further fail to teach is wherein selecting the mode selection element a fourth time causes the apparatus to be in a first mode [Claim 39]. However, McCormack teaches a Level key for toggling the level of difficulty (4:10-27). It is understood that the one Level key is a single icon. McCormack further teaches Level key print element, where the level of difficulty can be toggled by repeatedly pressing the level key (4:10-27; Figure 1, Item 69a), and a Trade activity having three levels of challenge (5:5-6:17). The level selection print element of McCormack would be used in the print media apparatus of Tan and Simone to toggle between three levels of challenge of an activity. It is further obvious in view of McCormack that, in the event of continued toggling of levels of difficulty by pressing the Level key, being that there are only three modes, a first mode of difficulty would be returned to after the third mode is deselected, because the level variable in the electronic device must logically have a defined state by design. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have selected the print element of the print media device of Tan, in view of the teachings of Simone, a differing number of times to activate the different

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device modes, wherein selecting the mode selection element a fourth time causes the apparatus to be in a first mode, as taught by McCormack, in light of the teachings of Nakamura, in order to automatically select a difficulty of an activity, for the purpose of designating a logical state of the level as one of the three modes, because an undefined state should not exist [Claim 39].

18. Claims 6, 11, & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, in view of Simone and McCormack, as applied to claims 1, 10, & 24 above, and further in view of Luxury Lap Reader ([web.archive.org/web/20010108175500/www.ladlivers.com/creative/luxurylapreader.htm](http://web.archive.org/web/20010108175500/www.ladlivers.com/creative/luxurylapreader.htm)).

19. Tan and Simone teach all the features as demonstrated above in the rejection of claims 1, 10, & 24 above. Simone teaches wherein the platform includes a first side including the surface (base includes an open tray portion adapted for receiving the work booklet), and a second side opposite the first side (base is adapted to be received on a supporting surface, all at 4:53-61). What Tan and Simone fail to teach is wherein the print media apparatus further comprises a cushion or a pillow at the second side [Claim 6, 11, & 27]. However, Luxury Lap Reader teaches a reading desk with a platform having a first side including a surface adapted for holding a book, and a second side opposite the first side having a pillow (Tapered Pillow for Reading Comfort; Wrist Rest Holds the Book in Place; It has a tapered pillow that keeps the book at a perfect angle for reading, in bullets and descriptive paragraph). The pillow of Luxury Lap Reader could be applied to the platform second side opposite the surface, closest to the reader's lap. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the pillow of Luxury Lap Reader, on the side of the

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platform facing the reader's lap as taught by Simone, in the print media apparatus of Tan, in order to comfortably keep the book at the proper angle for reading [Claims 6, 11, & 27].

20. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, in view of Simone, McCormack, and Nakamura, as applied to claim 19 above, and further in view of Kincheloe (US 5,000,327), hereinafter known as Kincheloe. Tan, Simone, and Nakamura teach all the features as demonstrated above in the rejection of claim 19 above. What Tan, Simone, and Nakamura fail to teach is wherein the pages of the book comprise continuous polyethylene fibers [Claim 22]. However, Kincheloe teaches a notebook composed of a spiral binding element (spine) retaining paper-like sheets made of TYVEK (4:29-58), which is the brand of spun-bonded olefin, a kind of high-density polyethylene fiber produced by the E. I. du Pont de Nemours and Company Corporation. The book as used by Tan would be composed of sheets of spun-bonded olefin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have made the book as taught by Tan, in light of the teachings of Simone, McCormack, and Nakamura, in the print media apparatus of Tan, composed of spun olefin fibers, as taught by Kincheloe, in order to make a waterproof book that would be harder to damage when used by young children [Claim 22].

21. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, in view of Simone and McCormack as applied to claim 1 above, and further in view of Kincheloe. Tan and Simone teach all the features as demonstrated above in the rejection of claim 1 above. What Tan and Simone fail to teach is wherein pages of the book comprise continuous polyethylene fibers [Claim 23]. However, Kincheloe teaches a notebook composed of a spiral binding element (spine) retaining paper-like sheets made of TYVEK (4:29-58), which is the brand of spun-

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bonded olefin, a kind of high-density polyethylene fiber produced by the E. I. du Pont de Nemours and Company Corporation. The book as used by Tan would be composed of sheets of spun-bonded olefin. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have made the book as taught by Tan, in light of the teachings of Simone and McCormack, in the print media apparatus of Tan, composed of spun olefin fibers, as taught by Kincheloe, in order to make a waterproof book that would be harder to damage when used by young children [Claim 23].

22. Claims 28-31 & 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tan, in view of Simone and McCormack, as applied to claims 1, 10, & 24 above, and further in view of Jacobson et al. (US 6,130,773), hereinafter known as Jacobson. Tan and Simone teach all the features as demonstrated above in the rejection of claims 1 & 24 above. Simone teaches a print medium on the surface of a platform (Figure 2, Item 42; also, 3:51-57) [Claim 31]. What Tan and Simone fail to teach is wherein the electrical elements are piezoelectric elements [Claims 28- 31]. However, Jacobson teaches a book having a paper substrate, containing a piezoelectric element for activating a driver circuit and a display (8:1-17). The manner in which Jacobson uses the piezoelectric element to power circuitry is akin to a user-operable switch, as it causes the activation of the circuitry when the book is opened by a user. Such switches would replace the traditional membrane switches used by Tan. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have incorporated the piezoelectric switching elements of Jacobson in the platform as taught by Simone, in light of the teachings of McCormack, in the print media apparatus of Tan, in order to convert the user's mechanical force of operating the switch into a low-cost power source for operating an electronic display or sound [Claims 28-31].

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23. Tan teaches a plurality of electrical elements in first and second regions (Figure 5A). What Tan, Simone, and McCormack further fail to explicitly teach is wherein at least one of the plurality of electrical elements is located under the surface in the first region, and at least one of the electrical elements is located under the surface in a second region [Claim 40]. However, Jacobson teaches a piezoelectric element applied to a paper substrate (8:1-17). A substrate is understood to mean, "an underlying layer or a substratum". The electrical elements of Tan, would be located on a substrate layer of the print media apparatus, as taught by Jacobson. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have at least one of the plurality of electrical elements of Tan located under the surface in the first and second regions, as taught by Jacobson, in light of the teachings of Simone and McCormack, to conceal and electrically insulate the electrical elements from the outside, in order to reduce wear and tear on the delicate elements. [Claim 40].

### ***Response to Arguments***

24. Applicant's arguments with respect to claims 1, 2, 4, 5, & 9, etc. in regards to Reiber, filed 1/25/2008, see pages 10-13, have been considered but are moot in view of the new ground(s) of rejection.

25. Applicant's arguments with respect to claims 24-25, in regard to Tan, see pages 13-17, have been fully considered but they are not persuasive. In light of the broadest reasonable interpretation of the claim, each input and output area may be considered a region. Figure 5A clearly demonstrates an input region, more sensitive to user interaction, as proximal to the spine; and a non-input region, less sensitive to user interaction, as distal to the spine. See Figure A above for further clarification. Applicant may consider rewriting the claim to comply more closely with the Specification at Page 5, Para. 0027. Thus, the argument is not convincing.

26. Applicant's arguments with respect to claims 28-31, in regards to Jacobson, see pages 18 & 19, have been fully considered but they are not persuasive. Applicant states that Jacobson fails to teach a plurality of piezoelectric elements under the surface. However Jacobson at 8:1-17 teaches a *greeting card* comprising a piezoelectric element disposed thereon. Jacobson teaches at 8:1-17 a piezoelectric element applied to a *paper substrate*. A substrate is understood to mean, "an underlying layer or a substratum" ("substrate." The American Heritage® Dictionary of the English Language, Fourth Edition. Houghton Mifflin Company, 2004. 28 Apr. 2008. <Dictionary.com <http://dictionary.reference.com/browse/substrate>>). Thus Jacobson teaches the limitation, so the argument is not convincing. Further, the piezoelectric element is not made patentable by mere rearrangement to parts unless a new and unexpected result occurs. The piezoelectric element would perform its intended function whether from a surface or a substrate layer.

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is (571)272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/28/2008  
/N. A. G./  
Examiner, Art Unit 3714

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